

REQUEST FOR RESPONSE: Farm Viability Enhancement Program
MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES

RFR No. AGR-FVEP 14-21

Due Date: June 18, 2013

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Boston, MA 02114-2151
617-626-1725

This Request for Response (RFR) contains three sections: Section I - Program Description, Section II - Application, Section III - Financial Statement. Those responding (“Responders”) must complete Sections II and III and return to the contact noted above by no later than 3:00 PM on June 18, 2013, in order to be considered for participation in the program.

SECTION I – PROGRAM DESCRIPTION

(1) Purpose:

The Massachusetts Department of Agricultural Resources (“the Department”) invites responses from Massachusetts’ farmers who wish to participate in the Farm Viability Enhancement Program (“Program”). Farmers must be willing in Phase I to commit sufficient time to properly participate in the business planning process and, if they advance to Phase II, farmers must be willing to agree to implement agreed upon components of a viability plan, and to place their agricultural land under an Agricultural Covenant (“Covenant”). All awards pursuant to this Program are contingent upon legislative authorization and administrative appropriation.

The purpose of the Program is to assist farmers in improving their economic viability and environmental integrity through the development and implementation of a Farm Viability Enhancement Plan (“Business Plan” or “Plan”). A comprehensive Business Plan is developed in Phase I by a team comprised of farmers and other agricultural, economic and environmental consultants engaged by the Department. The Plan suggests ways for a farmer to increase on-farm income through such methods as improved management practices, diversification, direct marketing, value-added initiatives, and agri-tourism. In addition, the Plan may make recommendations concerning environmental and resource conservation measures on participating farms.

Farmers (except those enrolled in the Department’s Agricultural Preservation Restriction (“APR”) Program), who develop Business Plans with the Department in Phase I, are eligible to participate in Phase II of the Program upon a declaration of interest by the farmer and upon a favorable decision of the Department. Phase II of the Program requires the execution of a new contract between the Department and the farmer. The owner of the property is required to grant a Covenant to the Commonwealth of Massachusetts for a term of years. In exchange, the Department provides the farmer with funding to implement specific portions of the Plan. Participation in Phase II is based, in part, on the financial needs of the Participant (“Participant”) and/or the Plan’s ability to improve the economic viability and environmental integrity of the agricultural operation. **The entire farm must be included in the Covenant.**

The earliest possible payment under Phase II of the Program is January 15, 2014. The schedule is as follows: Review of responses to this RFR - July 1 through September 10, 2013. Pending the availability of funds, notification of acceptance into Phase I – September 16, 2013. Orientation for farmers who are accepted into the Program will be during late September/early October 2013. The Plans will be developed between October 1, 2013 and March 31, 2014 (Phase I). At this time a contract, Covenant and other required documents are prepared and executed. Depending on the availability of funds, the Department's approval of contracts and release of funds is expected to take place between January 2014 and June 2014. **Costs incurred prior to the contract and execution of the Covenant in Phase II cannot be reimbursed and shall not qualify as Program expenditures.** Should additional funds become available, the Department may select other Responders, not initially chosen for participation, to participate in the Program at any time during Fiscal Year 2014.

(2) Contract and Performance Specifications:

A. Eligibility

To be eligible for participation in the Program, a Responder must own, or be a Co-Responder with the owner of, at least five (5) acres of land, which must be in active agricultural use and managed as a commercial enterprise by the Responder for at least the three (3) previous years. This three (3) year management requirement may be waived if the operator has substantial direct management experience in farming.

Farmers with farm land acreage already restricted by an Agricultural Preservation Restriction ("APR") cannot apply to this Program. APR landowners should apply to this Department's APR Improvement Program. Non-restricted acreage, owned by an APR owner or owners of similarly encumbered lands, can be used to qualify for funding in the Farm Viability Enhancement Program. Such acreage could be placed under a Covenant and could be eligible for funding in the Program.

Farms that have previously participated in the Program are eligible to apply if the 5-year or 10-year Covenant has already expired, or the farm was placed under a Covenant prior to July 1, 2005. Prior participants who wish to be reconsidered should demonstrate a need for additional services and funding such as starting a new enterprise on the farm or a new processing or marketing effort. Farms applying for normal equipment upgrades, needed repairs or other routine operational improvements will be less competitive in the selection process. Previous program participants shall have to meet all existing eligibility requirements, are subject to all review criteria and need to complete the additional instructions found in Section (3A) of this RFR.

Cranberry farmers may now apply to the Program through this RFR. To be eligible, cranberry operators must own, or be a co-applicant with the owner of, a minimum of twenty (20) acres total, with at least three (3) acres of cranberry bogs currently in production and at least ten (10) acres of non-wetland (upland). Responders must have an NRCS Farm Conservation Plan dated no earlier than 2007, or be actively involved in a planning process with the County Conservation District and prior to responding to this RFR have signed a Co-operator's Agreement with the District showing intent to complete an up-to-date Conservation Plan. The acreage as defined in the Farm Conservation Plan will govern farm eligibility. In order for a

Responder to qualify for higher awards, all cranberry farms must have a ratio of non-wetland (upland) to bog of 3:1; with a minimum of thirty-four (34) acres of active cranberry bogs for a \$100,000 award, with a minimum of twenty (20) acres of active cranberry bogs for a \$75,000 contract, and a minimum of ten (10) acres of active cranberry bogs for a \$50,000 contract. Responders must submit a copy of their Farm Conservation Plan or their Co-operator's Agreement with their application.

Non-profit organizations are ineligible for this Program.

B. Criteria for Selection in Phase I

Applications will be evaluated and selected based on the following criteria. They are listed in order of importance.

(1) **Degree of threat to the continuation of the agricultural activity.** A threat can include, but is not limited to: financial instability, urban encroachment, market forces, or management changes that may negatively impact continuing agricultural activity. **This factor is the most important consideration in reviewing applications and selecting farms to participate in the Program under this RFR.**

(2) Number of acres of land to be protected by the Covenant. Higher acreage is more competitive. Intensity of use on the land, and its significance and contribution to the state's agricultural industry will be considered. As a guideline, a farm with a gross farm income of at least \$10,000 is beginning to have competitive significance in the review process.

(3) Number of years and type of agricultural experience and training of Responders, and their willingness to explore improved management and efficiency methods. Identification of problems, needs, and examples of opportunities for growth or possible solution paths for farm viability are contained in the application.

(4) Whether previous participants who may be reapplying have demonstrated a need for additional support and have proven to be a good investment in the past.

(5) Degree to which the project would accomplish environmental objectives, such as the protection or conservation of water resources. Those responses that rate the need for an environmental assessment as 'High' will be more competitive in the review process.

(6) Whether the agricultural operation has diversified into retail or value-added activities or there are plans to diversify into retail and value-added activities.

(7) The suitability and productivity of the land for agricultural use based on its current or historic use, physical features, and location.

(8) Other unique factors that tend to support eligibility such as historical, open space, or aesthetic amenities, and providing farm employment.

C. Funding For Plan Implementation – Phase II

Once a Business Plan has been developed and approved by the Department at the completion of Phase I, funding for Plan implementation may be available. Funding from the Program is optional and awards may be rescinded at anytime during the technical assistance and business plan development phase. Both the farmer and the Department must agree upon which selected elements from the Business Plan will be implemented prior to proceeding on to Phase II. Depending on the availability of funding, the Department may offer the Participants one (1) of five (5) funding options. Participants must agree to all the conditions contained in either (1), (2), (3), (4) or (5) below:

- (1) In exchange for up to Twenty Five Thousand (\$25,000) Dollars, the Participants will agree to (a) Grant the Commonwealth a five (5) year Covenant; and (b) Implement agreed upon components of the Business Plan. Usually, farms generating up to \$50,000 gross farm income are placed in this funding category.
- (2) In exchange for up to Fifty Thousand (\$50,000) Dollars, the Participants will agree to (a) Grant the Commonwealth a ten (10) year Covenant; and (b) Implement agreed upon components of the Business Plan. For consideration at this funding level, farms must be generating a minimum of \$50,000 in gross farm income.
- (3) In exchange for up to Seventy Five Thousand (\$75,000) Dollars, the Participants will agree to (a) Grant the Commonwealth a ten (10) year Covenant; and (b) Implement agreed upon components of the Business Plan. To be eligible for consideration under option (3), the Participants must place a minimum of seventy five (75) acres under the ten (10) year Covenant and have at least \$100,000 of gross farm income.
- (4) In exchange for up to One Hundred Thousand Dollars (\$100,000), the Participants will agree to (a) Grant the Commonwealth a ten (10) year Covenant; and (b) Implement agreed upon components of the Business Plan. To be eligible for consideration under option (4), the Participants must place a minimum of one hundred (100) acres under the ten (10) year Covenant and have a minimum \$150,000 annual gross income. In addition, the Plan of the Participant farm must show the farm operator's investment in additional capital to the total implementation cost, is at least \$50,000.
- (5) In exchange for up to One Hundred Twenty Five Thousand Dollars (\$125,000), the Participants will agree to (a) Grant the Commonwealth a ten (10) year Covenant; and (b) Implement agreed upon components of the Business Plan. To be eligible for consideration under option (5), the Participants must place a minimum of one hundred twenty five (125) acres under the ten (10) year Covenant and have a minimum \$200,000 annual gross farm income. In addition, the Plan of the Participant farm must show the farm operator's investment in additional capital to the total implementation cost is at least \$75,000.

Responders will be informed which option the Department intends to offer when notified of acceptance into Phase I. However, a final determination will be made at

the completion of Phase I. Notification of participation into the Program is not notification you are being awarded a grant. Determination of which option is offered to a Responder rests solely with the Department and may be based on other factors such as; farm productivity, intensity of use, substantial gross farm income, high capital needs for large costly improvement projects, or projects that have a positive impact on other agricultural producers.

D. Reporting and Documentation (Phase III)

(1) Program Participants must provide the Department with all the records and receipts of the expenditures made with the funds received at a date specified in the contract.

(2) In order to evaluate the impact of the Program and upon request from the Department, Participants must submit any and all information and financial data pertaining to their farming operation to the Department for a period of up to five (5) years following the termination date specified on the contract. All such financial data shall be considered confidential.

(3) Instructions for Submission of Responses

Anyone interested in submitting a response to this Request for Response must submit the completed **Section II - Application** and a completed **Section III - Financial Statement**.

In addition to Section II and Section III, a Responder must submit (1) a USGS topographic map and (2) an aerial photo, with the farm property bounds outlined on each. Topographic maps and aerial photos are available on line, or can be prepared by your USDA-NRCS field office once you provide them with an outline of your farm's boundaries. Maps and photos provided by USDA-NRCS are a free service provided to farmers. Responders should plan on contacting NRCS as soon as possible as it may take several weeks before you receive the map and photo. If you already have an up-to-date NRCS Farm Conservation Plan, you may submit copies of maps and aerial photos from the plan. It is not necessary to include the entire plan unless you operate cranberry bogs.

(3A) Instructions for Previous Participants in the Farm Viability Program

In addition to submitting required materials described in the instructions (3) above, responders who wish to be reconsidered for participation in the Program a second time must include a separate one (1) page addendum to their response and provide the Department with the following information that will be used to evaluate the response: When did you receive FVEP funds? How much did you receive? How did you spend the funds? What effect did the planning and grant have on your operations? How did it affect your gross farm income? Knowing we do not wish to fund normal on-going operational improvements, upgrades or maintenance, what new enterprise or activity are you considering for use of the grant funds?

Application Evaluation

A staff review team ("Review Team") shall consider all complete responses and rank them according to the stated criteria. The Review Team shall be comprised of the Department's staff and Program consultants. Their ranking and recommendations shall be conveyed to an Advisory Committee of up to 15 members, appointed by the Department, that are representative of a cross-section of the business and agricultural sectors, including employees of the Department. The Advisory Committee shall consider the rankings and then convey recommendations to the Commissioner of Agricultural Resources for final decisions. The Department shall make notifications of acceptance and rejection to applicants, in writing. A Responder may withdraw a response at any point. The Department reserves the right to consider geographic distribution of awards and/or agricultural diversity as additional criteria. All acceptances shall be conditional upon the availability of funding.

Deadline For Responses

Responses (Section II and Section III) with all requested supporting documents, noted in Section 3, and in Section 3A, must be received by no later than 3:00 P.M. on June 18, 2013 at the following address: Craig Richov, Massachusetts Department of Agricultural Resources, 251 Causeway Street, Suite 500, Boston, MA 02114-2151. **Electronic files and facsimiles shall not be accepted. Postmarks will not be considered.**

(4) RFR Attachments:

A. At the beginning of Phase II, a Participant must be willing to execute a Covenant, a sample of which is available upon request.

B. Any Participant (also called a Contractor or Bidder on the attachment forms) who is accepted for participation in Phase II of the Program must complete the following:

1. Commonwealth Terms and Conditions. If the Bidder already has executed and filed the Commonwealth Terms and Conditions, please indicate this in your Response. The Commonwealth Terms and Conditions shall be incorporated by reference into any Contract for Commodities and Services executed pursuant to this RFR. A Bidder is required to execute the Commonwealth Terms and Conditions only once.
2. Request for Taxpayer Identification Number and Certification (W-9).
3. Commonwealth of Massachusetts Standard Contract Form.
4. Electronic Funds Transfer Form (EFT).
5. Contractor Authorized Signatory Listing
6. Supplier Diversity Program (SDP) Plan Form
7. Scope of Services and Budget (based on participant's completed business plan)
8. Property Description Form* (accompanied by a copy of the deed(s) for your farm property that will be placed under the Agricultural Covenant)
9. An executed recordable Agricultural Covenant*

**Please consult the RFR Contact to request a sample of items 8 and 9. All other Attachments are available at <http://www.mass.gov/osd> under Key Resources.*

It is not necessary to complete any of the above forms as part of the response to this RFR. Once a Responder has been selected to be a Participant in the Program, the Department shall

provide a copy of these Attachments to the Participant for completion and execution in the contract approval process.

(5) Notice to Responders:

Responders may not alter the RFR language or any RFR component files. Responders must respond in accordance to the RFR directions and complete only those sections, which prompt the Responder for Response. Modifications to the body of this RFR, specifications, terms, and conditions, or which change the intent of this RFR are prohibited. Any unauthorized modifications will disqualify a Response.

(6) Contract Type: Maximum Obligation

(7) Acquisition Methods: Purchase\Fee for Service

(8) Number of Vendors Required (Single or Multiple): Multiple

(9) Single or Multiple Department Users: Single

(10) Anticipated Contract Duration: Through December 31, 2014, with 1 (one) 1 year option to renew.

(11) Anticipated Expenditures, Funding or Compensation: Maximum of \$125,000 per Program Participant.

(12) RESERVES:

This RFR is an open enrollment solicitation, which means the Department of Agricultural Resources reserves the right to re-open this solicitation and add new contractors at any time during the life of this contract (which includes any options to renew). Open enrollment solicitation will have a defined open period during which a bidder may submit a response.

This solicitation may be re-open for the following reasons:

1. For special projects that are compelling and that happen “out of cycle” for the program. Special projects may be very large tracks of land, individual emergencies or disasters, or special opportunities for agricultural development to an industry or region. Out of cycle projects shall be subject to the same review of staff, shall be required to meet all thresholds of the Program, and shall be subject to the same approval of the Commissioner.
2. Increased Funding.
3. Changing needs of the Department.

(13) RFR required Specifications

In general, most of the required contractual stipulations are referenced in the *Standard Contract Form and Instructions* and the *Commonwealth Terms and Conditions* (either version). However, the following RFR provisions must appear in all Commonwealth competitive procurements conducted under 801 CMR 21.00:

The terms of *801 CMR 21.00: Procurement of Commodities and Services* (and *808 CMR 1.00: Compliance, Reporting and Auditing for Human and Social Services*, if applicable) are incorporated by reference into this RFR. Words used in this RFR shall have the meanings defined in 801 CMR 21.00 (and 808 CMR 1.00, if applicable). Additional definitions may also be identified in this RFR. Unless otherwise specified in this RFR, all communications, responses, and documentation must be in English, all measurements must be provided in feet, inches, and pounds and all cost proposals or figures in U.S. currency. All responses must be submitted in accordance with the specific terms of this RFR.

Items with the text, "*☞ Required for POS Only*" specify a requirement for Purchase of Service (POS) human and social services procured under *801 CMR 21.00, Procurement of Commodities or Services, Including Human and Social Services* and *808 CMR 1.00, Compliance, Reporting and Auditing for Human and Social Service*.

Supplier Diversity Program (SDP). Massachusetts Executive Order 524 established a policy to promote the award of state contracts in a manner that develops and strengthens Minority and Women Business Enterprises (M/WBEs) that resulted in the Supplier Diversity Program in Public Contracting. M/WBEs are strongly encouraged to submit responses to this RFR, either as prime vendors, joint venture partners or other type of business partnerships. All bidders must follow the requirements set forth in the SDP section of the RFR, which will detail the specific requirements relating to the prime vendor's inclusion of M/WBEs. Bidders are required to develop creative initiatives to help foster new business relationships with M/WBEs within the primary industries affected by this RFR. In order to satisfy the compliance of this section and encourage bidder's participation of SDP objectives, the Supplier Diversity Program (SDP) Plan for large procurements greater than \$150,000 will be evaluated at 10%

or more of the total evaluation. Once an SDP Plan is submitted, negotiated and approved, the agency will then monitor the contractor's performance, and use actual expenditures with SDO certified contractors to fulfill their own SDP expenditure benchmarks. M/WBE participation must be incorporated into and monitored for all types of procurements regardless of size; however, submission of an SDP Plan is mandated only for large procurements over \$150,000.

This RFR will contain some or all of the following components as part of the Supplier Diversity Program Plan submitted by bidders:

- Sub-contracting with certified M/WBE firms as defined within the scope of the RFR,
- Ancillary use of certified M/WBE firms,
- Growth and Development activities to increase M/WBE capacity,

A Minority Business Enterprise (MBE), Woman Business Enterprise (WBE), M/Non-Profit, or W/Non-Profit, is defined as such by the Supplier Diversity Office (SDO). All certified businesses that are included in the bidder's SDP proposal are required to submit an up to date copy of their SDO certification letter. The purpose for this certification is to participate in the Commonwealth's Supplier Diversity Program for public contracting. Minority- and Women-Owned firms that are not currently certified but would like to be considered as an M/WBE for the purpose of this RFR should submit their application at least two weeks prior to the RFR closing date and submit proof of documentation of application for consideration with their bid proposal. For further information on SDO certification, contact their office at 1-617-502-8851 or via the Internet at mass.gov/SDO.

Supplier Diversity Program Subcontracting Policies. Prior approval of the agency is required for any subcontracted service of the contract. Agencies may define required deliverables including, but not limited to, documentation necessary to verify subcontractor commitments and expenditures with Minority- or Women-Owned Business Enterprises (M/WBEs) for the purpose of monitoring and enforcing compliance of subcontracting commitments made in a bidder's Supplier Diversity Program (SDP) Plan. Contractors are responsible for the satisfactory performance and adequate oversight of its subcontractors.

Agricultural Products Preference (only applicable if this is a procurement for Agricultural Products) - Chapter 123 of the Acts of 2006 directs the State Purchasing Agent to grant a preference to products of agriculture grown or produced using locally grown products. Such locally grown or produced products shall be purchased unless the price of the goods exceeds the price of products of agriculture from outside the Commonwealth by more than 10%. For purposes of this preference, products of agriculture are defined to include any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products, the raising of livestock, including horses, raising of domesticated animals, bees, fur-bearing animals and any forestry or lumbering operations.

Best Value Selection and Negotiation. The Procurement Management Team (PMT) may select the response(s) which demonstrates the best value overall, including proposed alternatives that will achieve the procurement goals of the department. The PMT and a selected bidder, or a contractor, may negotiate a change in any element of contract performance or cost identified in the original RFR or the selected bidder's or contractor's response which results in lower costs or a more cost effective or better value than was presented in the selected bidder's or contractor's original response.

Bidder Communication. Bidders are prohibited from communicating directly with any employee of the procuring department or any member of the PMT regarding this RFR except as specified in this RFR, and no other individual Commonwealth employee or representative is authorized to provide any information or respond to any question or inquiry concerning this RFR. Bidders may contact the contact person for this RFR in the event this RFR is incomplete or the bidder is having trouble obtaining any required attachments electronically through Comm-PASS.

Comm-PASS. Comm-PASS is the official system of record for all procurement information which is publicly accessible at no charge at www.comm-pass.com. Information contained in this document and in each tab of the Solicitation, including file attachments, and information contained in the related Bidders' Forum(s), are all components of the Solicitation.

Bidders are solely responsible for obtaining all information distributed for this Solicitation via Comm-PASS, by using the free Browse and Search tools offered on each record-related tab on the main navigation bar (Solicitations and Forums). Forums support Bidder submission of written questions associated with a Solicitation and publication of official answers. All records on Comm-PASS are comprised of multiple tabs, or pages. For example, Solicitation records contain Summary, Rules, Issuer(s), Intent or Forms & Terms and Specifications, and Other Information tabs. Each tab contains data and/or file attachments provided by the Procurement Management Team. All are incorporated into the Solicitation.

It is each Bidder's responsibility to check Comm-PASS for:

- Any addenda or modifications to this Solicitation, by monitoring the “Last Change” field on the Solicitation’s Summary tab, and
- Any Bidders’ Forum records related to this Solicitation (see Locating a Online Bidders’ Forum for information on locating these records).

The Commonwealth accepts no responsibility and will provide no accommodation to Bidders who submit a Response based on an out-of-date Solicitation or on information received from a source other than Comm-PASS.

Comm-PASS SmartBid Subscription. Bidders may elect to obtain an optional SmartBid subscription which provides value-added features, including automated email notification associated with postings and modifications to Comm-PASS records. When properly configured and managed, SmartBid provides a subscriber with:

- A secure desktop within Comm-PASS for efficient record management
- A customizable profile reflecting the subscriber’s product/service areas of interest
- A customizable listing in the publicly accessible Business Directory, an online “yellow-pages” advertisement
- Full-cycle, automated email alert whenever any record of interest is posted or updated
- Access to Online Response Submission, when allowed by the Issuer, to support:
 - paperless bid drafting and submission to an encrypted lock-box prior to close date
 - electronic signature of OSD forms and terms; agreement to defer wet-ink signature until Contract award, if any
 - withdrawal of submitted bids prior to close date
 - online storage of submitted bids

Every public purchasing entity within the borders of Massachusetts may post records on Comm-PASS at no charge. Comm-PASS has the potential to become the sole site for all public entities in Massachusetts. SmartBid fees are only based on and expended for costs to operate, maintain and develop the Comm-PASS system.

Contract Expansion. If additional funds become available during the contract duration period, the department reserves the right to increase the maximum obligation to some or all contracts executed as a result of this RFR or to execute contracts with contractors not funded in the initial selection process, subject to available funding, satisfactory contract performance and service or commodity need.

Costs. Costs which are not specifically identified in the bidder’s response, and accepted by a department as part of a contract, will not be compensated under any contract awarded pursuant to this RFR. The Commonwealth will not be responsible for any costs or expenses incurred by bidders responding to this RFR.

Debriefing. *☞ Required for POS Only. This is an optional specification for non-POS RFRs.* Non-successful bidders may request a debriefing from the department. Department debriefing procedures may be found in the RFR. Non-successful POS bidders aggrieved by the decision of a department must participate in a debriefing as a prerequisite to an administrative appeal.

Debriefing/Appeals: Administrative Appeals to Departments. *☞ Required for POS Only. Not applicable to non-POS bidders.* Non-successful bidders who participate in the debriefing process and remain aggrieved with the decision of the department may appeal that decision to the department head. Department appeal procedures may be found in the RFR.

Debriefing/Appeals: Administrative Appeals to OSD. *☞ Required for POS Only. Not applicable to non-POS bidders.* Non-successful bidders who participate in the department appeal process and remain aggrieved by the selection decision of the department may appeal the department decision to the Operational Services Division. The basis for an appeal to OSD is limited to the following grounds:

1. The competitive procurement conducted by the department failed to comply with applicable regulations and guidelines. These would be limited to the requirements of 801 CMR 21.00 or any successor regulations, the policies in the OSD Procurement Information Center, subsequent policies and procedures issued by OSD and the specifications of the RFR; or
2. There was a fundamental unfairness in the procurement process. The allegation of unfairness or bias is one that is easier to allege than prove, consequently, the burden of proof rests with the bidder to provide sufficient and specific evidence in support of its claim. OSD will presume that departments conducted a fair procurement absent documentation to the contrary.

Requests for an appeal must be sent to the attention of the State Purchasing Agent at Room 1017, One Ashburton Place, Boston, MA 02108 and be received within fourteen (14) calendar days of the postmark of the notice of the department head’s decision on appeal. Appeal requests must specify in sufficient detail the basis for the appeal. Sufficient detail requires a description of the published policy or procedure which was applied and forms the basis for the appeal and presentation of all information that supports the claim under paragraphs 1 or 2 above. OSD reserves the right to reject appeal requests based on

grounds other than those stated above or those submitted without sufficient detail on the basis for the appeal.

The decision of the State Purchasing Agent shall be rendered, in writing, setting forth the grounds for the decision within sixty (60) calendar days of receipt of the appeal request. Pending appeals to the State Purchasing Agent shall not prohibit the department from proceeding with executing contracts.

Electronic Communication/Update of Bidder's/Contractor's Contact Information. It is the responsibility of the prospective bidder and awarded contractor to keep current the email address of the bidder's contact person and prospective contract manager, if awarded a contract, and to monitor that email inbox for communications from the PMT, including requests for clarification. The PMT and the Commonwealth assume no responsibility if a prospective bidder's/awarded contractor's designated email address is not current, or if technical problems, including those with the prospective bidder's/awarded contractor's computer, network or internet service provider (ISP) cause email communications sent to/from the prospective bidder/awarded contractor and the PMT to be lost or rejected by any means including email or spam filtering.

Electronic Funds Transfer (EFT). All bidders responding to this RFR must agree to participate in the Commonwealth Electronic Funds Transfer (EFT) program for receiving payments, unless the bidder can provide compelling proof that it would be unduly burdensome. EFT is a benefit to both contractors and the Commonwealth because it ensures fast, safe and reliable payment directly to contractors and saves both parties the cost of processing checks. Contractors are able to track and verify payments made electronically through the Comptroller's Vendor Web system. A link to the EFT application can be found on the [OSD Forms](#) page (www.mass.gov/osd). Additional information about EFT is available on the [VendorWeb](#) site (www.mass.gov/osc). Click on MASSfinance.

Successful bidders, upon notification of contract award, will be required to enroll in EFT as a contract requirement by completing and submitting the *Authorization for Electronic Funds Payment Form* to this department for review, approval and forwarding to the Office of the Comptroller. If the bidder is already enrolled in the program, it may so indicate in its response. Because the *Authorization for Electronic Funds Payment Form* contains banking information, this form, and all information contained on this form, shall not be considered a public record and shall not be subject to public disclosure through a public records request.

The requirement to use EFT may be waived by the PMT on a case-by-case basis if participation in the program would be unduly burdensome on the bidder. If a bidder is claiming that this requirement is a hardship or unduly burdensome, the specific reason must be documented in its response. The PMT will consider such requests on a case-by-case basis and communicate the findings with the bidder.

Environmental Response Submission Compliance. In an effort to promote greater use of recycled and environmentally preferable products and minimize waste, all responses submitted should comply with the following guidelines:

- All copies should be printed double sided.
- All submittals and copies should be printed on recycled paper with a minimum post-consumer content of 30% or on tree-free paper (i.e. paper made from raw materials other than trees, such as kenaf). To document the use of such paper, a photocopy of the ream cover/wrapper should be included with the response.
- Unless absolutely necessary, all responses and copies should minimize or eliminate use of non-recyclable or non re-usable materials such as plastic report covers, plastic dividers, vinyl sleeves and GBC binding. Three ringed binders, glued materials, paper clips and staples are acceptable.
- **Bidders should submit materials in a format which allows for easy removal and recycling of paper materials.**
- Bidders are encouraged to use other products which contain recycled content in their response documents. Such products may include, but are not limited to, folders, binders, paper clips, diskettes, envelopes, boxes, etc. Where appropriate, bidders should note which products in their responses are made with recycled materials.
- Unnecessary samples, attachments or documents not specifically asked for should not be submitted.

Executive Order 509, Establishing Nutrition Standards for Food Purchased and Served by State Agencies. Food purchased and served by state agencies must be in compliance with Executive Order 509, issued in January 2009. Under this Executive Order, all contracts resulting from procurements posted after July 1, 2009 that involve the purchase and provision of food must comply with nutrition guidelines established by the Department of Public Health (DPH). The nutrition guidelines are available at the Department's website: [Executive Order # 509 Guidance](#).

Filing Requirements. *☞ Required for POS Only. Not applicable to non-POS bidders.* Successful bidders must have filed their Uniform Financial Statements and Independent Auditor's Report (UFR), as required for current contractors, with the Operational Services Division via the Internet using the UFR eFiling application for the most recently completed fiscal year before a contract can be executed and services may begin. Other contractor qualification/risk management reporting

requirements and non-filing consequences promulgated by secretariats or departments pursuant to 808 CMR 1.04(3) may also apply. In the event immediate services are required by a department, a contract may be executed and services may begin with the approval of OSD and the appropriate secretariat. However, unless authorized by OSD and the appropriate secretariat, the contractor will not be paid for any such services rendered until the UFR has been filed.

HIPAA: Business Associate Contractual Obligations. Bidders are notified that any department meeting the definition of a Covered Entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) will include in the RFR and resulting contract sufficient language establishing the successful bidder's contractual obligations, if any, that the department will require in order for the department to comply with HIPAA and the privacy and security regulations promulgated thereunder (45 CFR Parts 160, 162, and 164) (the Privacy and Security Rules). For example, if the department determines that the successful bidder is a business associate performing functions or activities involving protected health information, as such terms are used in the Privacy and Security Rules, then the department will include in the RFR and resulting contract a sufficient description of business associate's contractual obligations regarding the privacy and security of the protected health information, as listed in 45 CFR 164.314 and 164.504 (e), including, but not limited to, the bidder's obligation to: implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the protected health information (in whatever form it is maintained or used, including verbal communications); provide individuals access to their records; and strictly limit use and disclosure of the protected health information for only those purposes approved by the department. Further, the department reserves the right to add any requirement during the course of the contract that it determines it must include in the contract in order for the department to comply with the Privacy and Security Rules. Please see other sections of the RFR for any further HIPAA details, if applicable.

Minimum Bid Duration. Bidders responses/bids made in response to this RFR must remain in effect for at least 90 days from the date of bid submission.

Pricing: Price Limitation: The bidder must agree that no other state or public entity customer within the United States of similar size and with similar terms and conditions shall receive a lower price for the same commodity and service during the contract period, unless this same lower price is immediately effective for the Commonwealth. If the Commonwealth believes that it is not receiving this lower price as required by this language, the bidder must agree to provide current or historical pricing offered or negotiated with other state or public entities at any time during the contract period in the absence of proprietary information being part of such contracts.

Prompt Payment Discounts (PPD). All bidders responding to this procurement must agree to offer discounts through participation in the Commonwealth Prompt Payment Discount (PPD) initiative for receiving early and/or on-time payments, unless the bidder can provide compelling proof that it would be unduly burdensome. PPD benefits both contractors and the Commonwealth. Contractors benefit by increased, usable cash flow as a result of fast and efficient payments for commodities or services rendered. Participation in the Electronic Funds Transfer initiative further maximizes the benefits with payments directed to designated accounts, thus eliminating the impact of check clearance policies and traditional mail lead time or delays. The Commonwealth benefits because contractors reduce the cost of products and services through the applied discount. Payments that are processed electronically can be tracked and verified through the Comptroller's Vendor Web system. The PPD form can be found under the Forms and Terms tab of this solicitation.

Bidders must submit agreeable terms for Prompt Payment Discount using the PPD form within their proposal, unless otherwise specified by the PMT. The PMT will review, negotiate or reject the offering as deemed in the best interest of the Commonwealth.

The requirement to use PPD offerings may be waived by the PMT on a case-by-case basis if participation in the program would be unduly burdensome on the bidder. If a bidder is claiming that this requirement is a hardship or unduly burdensome, the specific reason must be documented in or attached to the PPD form.

Provider Data Management. *Required for POS Only. Not applicable to non-POS bidders.* The Executive Office of Health and Human Services (EOHHS) has established a Provider Data Management (PDM) business service that is integrated into the Virtual Gateway. PDM is accessible by providers with current POS contracts. Departments may require that bidders with current POS contracts submit certain RFR-required documents through PDM. These documents have been specified in the RFR. When submitting documents via PDM, bidders are required to print and sign a PDM Documentation Summary. PDM users should verify that all information is accurate and current in PDM. Bidders are required to include the signed PDM Documentation Summary in their RFR response.

Public Records. All responses and information submitted in response to this RFR are subject to the Massachusetts Public Records Law, M.G.L., c. 66, s. 10, and to c. 4, s. 7, ss. 26. Any statements in submitted responses that are inconsistent with these statutes shall be disregarded.

Reasonable Accommodation. Bidders with disabilities or hardships that seek reasonable accommodation, which may include the receipt of RFR information in an alternative format, must communicate such requests in writing to the contact person. Requests for accommodation will be addressed on a case by case basis. A bidder requesting accommodation must submit a written statement which describes the bidder's disability and the requested accommodation to the contact person for the RFR. The PMT reserves the right to reject unreasonable requests.

Restriction on the Use of the Commonwealth Seal. Bidders and contractors are not allowed to display the Commonwealth of Massachusetts Seal in their bid package or subsequent marketing materials if they are awarded a contract because use of the coat of arms and the Great Seal of the Commonwealth for advertising or commercial purposes is prohibited by law.

Subcontracting Policies. Prior approval of the department is required for any subcontracted service of the contract. Contractors are responsible for the satisfactory performance and adequate oversight of its subcontractors. Human and social service subcontractors are also required to meet the same state and federal financial and program reporting requirements and are held to the same reimbursable cost standards as contractors.

*The Department of Agricultural Resources is an Affirmation Action/Equal Opportunity Employer. Women, Minorities, Veterans and Handicapped persons are encouraged to apply.
This RFR is available in alternative formats upon request.*

REQUEST FOR RESPONSE – AGR-FVEP 14-21

**MASACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES
Farm Viability Enhancement Program**

Section II - APPLICATION

It is important that you read the Section I entitled Program Description before completing this Section II entitled Application. Key information is contained in Section I. Please read carefully and respond to each question. Attach up to two (2) additional sheets if necessary (letter size paper, font size no smaller than 12).

Please type or print clearly in ballpoint pen.

Date _____

Municipality:	Date received: (official use only)
County:	Received by:(official use only)

1. Applicant(s):

Name:		
Mailing Address:		
Town:	Zip:	E-Mail:
Home Phone:	Other Phone(s):	Website:

2a. Farm location if different from above:

Address:	Town:	Zip:
Phone:		
Name of person in residence:		

2b. Owner(s) of record if different from applicant(s):

1. Name:	2. Name:
Address:	Address:
Phone:	Phone:

Is the owner a Trust or Corporation? Yes _____ No _____

2c. Farm name, Corporate, Trust or Business name (DBA), if any:

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3a. What are the primary farm businesses and/or crops currently on the farm? Check all that apply.

Dairy	Vegetable	Orchard	Nursery	Greenhouse	Value-added
Forest products	Maple	Livestock	Other: specify		

List the agricultural activities carried out on the farm in 2012. (Crops grown with number of acres for each crop, livestock produced with kind and number, number of taps and gallons of maple syrup per year, square feet of green house space, etc.)

3b. Is there a retail or value-added operation? Check all that apply.

Wholesale	Farmstand	PYO	Farmers Mkts.	CSA	Other: specify
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Describe how you sell your products (percentage wholesale – list customers, number of farmers markets, or CSA memberships, livestock auction, etc.).

4. How many acres of land does the applicant own? _____ Acres.

Please note: Larger amounts of acreage proposed for restriction under the Covenant is more competitive in the review process. **It is Program policy that the entire farm (all land under the name of the applicant) must be placed under the Covenant.**

How many acres are you willing to place under Covenant? _____ Acres. Copies of deeds for these acres are not needed for your response. Selected Responders shall have to provide a copy of their deed(s) to the Department during Phase I of the Program. For complex ownership situations, it may be the responsibility of the selected Responder and their legal representative to provide a description of the property.

5. How many acres of farmland do you rent, lease or use **from** other people? _____ Acres.

Do you rent land **to** others? Yes _____ No _____ If yes, indicate # of acres _____ and how the land is used _____

The Department needs details on the total acreage of the farm that will be placed under Covenant. Provide an approximate outline of your property on a (1) United States Geological Survey topographical map and (2) on an aerial photo.

6. Please complete this table.

LAND TYPE OR USAGE	Acres owned -by use	Acres rented- by use	TOTAL acreage by use
Example: Tillable cropland	70	30	100
A. Tillable cropland			
B. Non-tillable cropland			
C. Nursery – Orchard – Cranberry Bog			
D. Pasture			
E. Managed woodland			
F. Non-managed woodland			
G. Ponds, Wetlands			
H. Land occupied by farm buildings			
I. Land occupied by buildings or residences			
Totals			

7. Is your land under Farmland (Chapter 61A) or Forest (Chapter 61) Assessment or Agricultural Preservation Restriction (APR)?

61A		61		APR	
Yes	No	Yes	No	Yes	No
# of acres		# of acres		# of acres	

8. Excluding existing residences, approximately how many feet of road frontage does the farm property have on a public way? _____

Is municipal sewer available at the farm property? Yes _____ No _____
 If no, what is the likelihood that existing soils will support septic systems? High ____ Medium ____ Low ____
 How would you describe recent development (new construction) in your immediate neighborhood?
 Heavy ____ Moderate ____ Light ____

9. How many people earn full-time income(s) from the farm? _____

Of these, how many are immediate family members? (children, spouses, siblings) _____

How many people are employed part time? _____ Of these, how many are immediate family? _____

Who are the current managers on the farm and what are their roles? _____

Who are the managers expected to be on the farm at the conclusion of the covenant term? _____

10. How high would you rate the importance of an environmental assessment at your farm?
 High _____ Moderate _____ Low _____ Check any of the following issues that apply.

Erosion & sediment control	Water Management (wells, rivers)
Nutrient & manure management	Pesticide management
Facility wastewater and runoff control	Other (describe)

How many feet of frontage does your farm have along a river, pond, or lake? _____

All landowners of record and those who will receive the grant award must sign this application. Substitutes or signatures initialed by another person shall not be accepted. Applicants who are not owners of the land to be restricted must have all owners sign this Section II – Application, otherwise the Department will not process it.

_____	Date _____
Signature	
_____	Date _____
Signature	
_____	Date _____
Signature	

Request for Response AGR-FVEP 14-21
MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES
Farm Viability Enhancement Program

SECTION III - FINANCIAL STATEMENT

*It is important that you read Section I entitled Program Description before completing this Financial Statement. Key information is contained there. In the Financial Statement below, special instructions are in bold and Italics. Please read carefully. This section must be completed by the farm operator(s). **ALL QUESTIONS MUST BE ANSWERED.***

1. List any and all liens or encumbrances, and the amounts, on the farm as described in the Application – Section II.

Encumbrance(s) (to whom is the money owed)	Amount owed

Do any of these include a lien on your residence, or a mortgage on the property including your home?
_____ Yes _____ No _____ Check here if there is no debt associated with the farm.

2. To complete this section, applicants should use their 2010, 2011 and 2012 Schedules F or 1120S or 1120C forms. Copies of these records are not required by the Department at this time, but will have to be presented to representatives of the Department during Phase I of the Program.

Please complete the following summary. If taxes for 2012 are not completed, estimate gross and net income.

Tax Year	Gross Farm Income	Net Farm Income	Other Farm Income (rent, custom work, gravel sales)
2010			
2011			
2012			

Do you live solely off the farm income now? Yes _____ No _____

3. Please include any off-farm income/jobs that immediate family members have.

Relationship	Name	Off-farm income that contributes to family
Operator		\$ _____ estimated annual
Partner/Spouse		\$ _____ estimated annual
Other:		\$ _____ estimated annual

4a. The Program's goal is to provide farmers with a plan of action to make their farms more viable. The Department wants to know what **challenges and opportunities** you see for your operation. Some examples include: 1) regulations that must be met, 2) development pressures, 3) need to expand, 4) succession issues, 5) moving from wholesale to retail, 6) debt, and/or not making enough money, 7) environmental concerns.

Please note: this is the most important consideration in reviewing applications, so please be thorough in explaining your circumstances. The following information is critical. Attach an additional sheet if necessary.

4b. What do you think should be done to improve the economic viability and/or the environmental condition of your farm?

4c. Describe your short and long term plans for keeping the land in agricultural use.

4d. How many years of agricultural experience does the farm manager have? _____ Years.

4e. Has the manager completed the Department's Agricultural Business Training Program? Yes ____ No ____

If yes, which course(s)? Tilling the Soil (long course) _____ Year completed _____

Planning for Startup _____ Year completed _____

Exploring the Small Farm Dream _____ Year completed _____

Can you provide the plan you developed in these courses? Yes ____ No ____

List any other business/management training relevant to your farming enterprise: _____

5. Have you participated previously in the Farm Viability Program? Yes ____ No ____

Previous participants must attach a one-page addendum. (See instructions, page 5.)

6. The following **MUST** be included with your application:

- USGS topographical map with your property location outlined as indicated
- Aerial photograph with your farm property outlined
- Farm Conservation Plan or Co-operator's Agreement (requirement for Cranberry farmers only).

By signing below, you are authorizing the Department to conduct a field inspection of the land to be considered for inclusion in the Covenant. In addition, those signing below are expressing a willingness to execute an Agricultural Covenant. All farm operators and owners must sign Section III. Substitutes or signatures initialed by another person shall not be accepted.

Signature Date _____

Signature Date _____

Signature Date _____

Send to: Massachusetts Department of Agricultural Resources
Attn: Craig Richov
251 Causeway Street Suite 500
Boston, MA 02114-2151
The deadline is 3:00 P.M., June 18, 2013.